HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.18036 of 2007

Date: 10-09-2007.

Between :

M/s.Sirpur Paper Mills Limited, Sirpur-Kaghaznagar,
Adilabad District, rep. by its Chief Administrative Officer.

.....Petitioner

And

The Assistant Commissioner (Commercial Taxes),
Abids Division, Hyderabad & another.

.....Respondents.

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AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.18036 of 2007

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

We have heard learned counsel for the parties.

When the first Appeal against the assessment was pending, the petitioner approached this Court and the Court ordered stay of recovery on payment of 50% of the liability, and as a result, Rs.38,00,000/- have been deposited. The petitioner lost in the First Appeal, therefore, he filed Second Appeal, which is pending before the Sales Tax Appellate Tribunal and he filed an application for stay before the Joint Commissioner, who rejected the application. It is seen from the order of the Joint Commissioner that he has not noted that the petitioner has already deposited Rs.38,00,000/- as a consequence of the order of this Court in an earlier writ petition.

We have gone through the counter affidavit also and it is not disputed that Rs.38,00,000/- have already been deposited by the petitioner, which is roughly more than 50% of the total liability. Therefore, in these circumstances, we feel it appropriate to stay the recovery till the matter is decided in appeal by the Tribunal.

Writ petition is disposed of accordingly.

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BILAL NAZKI, J

10th September 2007.

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RAMESH RANGANATHAN, J

ajr